

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SHAWN HODGES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:21-cv-01122-SAB

ORDER DENYING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*  
WITHOUT PREJUDICE AND REQUIRING  
PLAINTIFF TO FILE LONG FORM  
APPLICATION

(ECF No. 2)

TWENTY DAY DEADLINE

Plaintiff Shawn Hodges filed a complaint on July 23, 2021, challenging a final decision of the Commissioner of Social Security denying his application for disability benefits. Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. However, Plaintiff's application does not demonstrate that he is entitled to proceed without prepayment of fees in this action.

Plaintiff's application states his wife's income is between \$1,500 and \$1,900 every two weeks. (ECF No. 2 at 2.) While Plaintiff claims two seventeen-year-old dependents, based on this amount of income, it does not appear that Plaintiff would be entitled to proceed without prepayment of fees.

In assessing whether a certain income level meets the poverty threshold under Section 1915(a)(1), courts look to the federal poverty guidelines developed each year by the Department

of Health and Human Services. See, e.g., Lint v. City of Boise, No. CV09-72-S-EJL, 2009 WL 1149442, at \*2 (D. Idaho Apr. 28, 2009) (and cases cited therein). The 2021 Poverty Guidelines for the 48 contiguous states for a household of four is \$26,500.00. 2021 Poverty Guidelines, <https://aspe.hhs.gov/2021-poverty-guidelines> (last visited July 27, 2021). Given the household income substantially over this amount, Plaintiff's application does not currently provide sufficient information for the Court to conclude that she is entitled to proceed in this action without prepayment of fees. Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is unwilling to complete and submit the long form application, Plaintiff must pay the filing fee in full.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice;
2. The Clerk of the Court is directed to forward an *in forma pauperis* application (Long Form) to Plaintiff;
3. Within **twenty-one (21) days** of the date of this order, Plaintiff shall either (1) pay the \$402.00 filing fee for this action, or (2) file a long form application to proceed *in forma pauperis* without prepayment of the fee; and
4. If Plaintiff fails to comply with this order, this action shall be dismissed.

IT IS SO ORDERED.

Dated: **July 27, 2021**

  
UNITED STATES MAGISTRATE JUDGE